

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: Charlesetta J. MORRIS

Docket Number: 1:05CR00084-001

Offender Address: Bakersfield, California

Judicial Officer: Honorable Oliver W. Wanger
United States District Judge
Fresno, California

Original Sentence Date: 08-01-05

Original Offense: 18 USC 287 - False Claim to an Agency of the United States
(CLASS D FELONY)

Original Sentence: 1 month BOP; 36 months supervised release; \$200 special assessment; \$4,501 restitution; mandatory testing

Special Conditions: Warrantless search and seizure; not dissipate assets until financial obligation is paid in full; financial disclosure; financial restriction; drug counseling; drug testing; mental health treatment; 5 months home incarceration under the electronic monitoring program; \$25 co-payment; cooperate in DNA collection

Type of Supervision: Supervised release

Supervision Commenced: 08-01-05

Assistant U.S. Attorney: Stanley Boone **Telephone:** (559) 498-7272

Defense Attorney: E. Marshall Hodgkins, III **Telephone:** (559) 233-3961

RE: Charlesetta J. MORRIS
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Other Court Action:

10-24-05: Non-compliance Report submitted to advise the Court the defendant tested positive for marijuana on October 13, 2005. On October 26, 2005, the Court approved the probation officer's recommendation to take no immediate negative action in order to allow the defendant to benefit from services.

NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

1. ILLICIT DRUG USE (DATES) 10-24-05, 10-31-05, and 11-13-05

Details of alleged non-compliance: On October 24 and 31, 2005, and November 13, 2005, the defendant submitted urine samples which returned positive test results for the presence of marijuana.

United States Probation Officer Plan/Justification: On December 13, 2005, the probation officer confronted the defendant with the above urinalysis test results. The probation officer advised the defendant that should she fail to provide negative test results with the next two months, the probation officer will seek a community corrections center(CCC) placement, or request formal violation proceedings. The defendant candidly admitted she smoked marijuana at the end of October, 2005, but was unable to provide an exact date. She stated she smoke marijuana to cope with "stress."

Due to the close proximity of the above urinalysis tests and their relatively low THC nanogram levels (10/24/05: 77ng.; 10/31/05: 17ng.; 11/13/05: 24ng.), there is a question

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as to whether the results represent a single occurrence or repeated drug use. Therefore, it is also unclear whether the defendant is now in violation of 18 USC 3583 which requires supervised release be revoked for testing positive for illegal controlled substances more than three times over the course of one year.

Considering all the above, the probation officer believes it would be reasonable to allow the defendant a short period of time to obtain sobriety before negative action is taken. Should the defendant fail to achieve sobriety in the next few months, the probation officer will seek a CCC placement, or request formal violation proceedings.

Therefore, the probation officer recommends the Court take no negative action at the present time.

Respectfully submitted,

/s/ R. Walters

R. WALTERS
United States Probation Officer
Telephone: (661) 861-4354

DATED: January 3, 2006
Bakersfield, California
RCW:dk

/s/ Rick C. Louviere

REVIEWED BY: _____
RICK C. LOUVIERE
Supervising United States Probation Officer

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THE COURT ORDERS:

() The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.

() Submit a Request for Modifying the Conditions or Term of Supervision.

() Submit a Request for Warrant or Summons.

() Other:

January 5, 2006

/s/ OLIVER W. WANGER

Date

Signature of Judicial Officer

cc: United States Probation
Stanley Boone, Assistant United States Attorney
E. Marshall Hodgkins, III, Defense Counsel